

IN THE UNITED STATES DISTRICT COURT  
FOR NEW JERSEY

File No. 43-12-001

COTTRELL SOLENSKY & SEMPLE, P.A.

550 Broad Street, Suite 1000

Newark, New Jersey 07102

Phone: (973) 643-1400

Fax: (973) 643-1900

Attorneys for Defendants, Steven Spencer and Merchants 5 Star, Inc.

EDWARD A. PANKOWSKI,

Plaintiff,

vs.

MERCHANTS 5 STAR, INC., and  
STEVEN SPENCER and JOHN DOES  
1 through 5, and names being  
fictitious,

Defendants.

UNITED STATES DISCTIRCT COUNT FOR  
THE DISTRICT OF NEW JERSEY

CIVIL ACTION NO.

PETITION FOR REMOVAL

Removing defendants, Steven Spencer and Merchants 5 Star, Inc., upon information and belief state as follows:

1. Plaintiff Edward A. Pankowski commenced an action against the removing defendants, Steven Spencer and Merchants 5 Star, Inc., in the Superior Court of New Jersey, Law Division, Middlesex County bearing docket number MID-L-7242-12.

2. The Complaint was served upon removing defendants, Steven Spencer and Merchants 5 Star, Inc., on November 19, 2012.

3. Plaintiff is a resident of the State of New Jersey.

4. Defendant Merchants 5 Star, Inc., is a corporation organized and existing under the law of the State of Ohio with an office and principle place of business located at 18192 State Route 7, Marietta, Ohio 45750.

5. Defendant Steven Spencer is a resident of the State of West Virginia.

6. The amount in controversy is more than \$75,000.00.

7. Accordingly, this court has diversity jurisdiction of this action pursuant to 28 U.S.C. Section 1332, and defendant is entitled to removal of this action pursuant to 28 U.S.C. Section 1441.

**WHEREFORE**, removing defendants hereby petition for the removal of plaintiffs' action to this court, pursuant to 28 U.S.C. sections 1441 and 1446.

**COTTRELL SOLENSKY & SEMPLE, P.A.**

Attorney for Defendants, Steven Spencer  
and Merchants 5 Star, Inc.,

/s/FLOYD G. COTTRELL (7820)

Dated: December 3, 2012

**COTTRELL SOLENSKY & SEMPLE, P.A.**  
550 Broad Street, Suite 1000  
Newark, New Jersey 07102  
Phone: (973) 643-1400  
Fax: (973) 643-1900  
Attorneys for Defendants, Steven Spencer and Merchants 5 Star, Inc.

**EDWARD A. PANKOWSKI,**

**Plaintiff,**

**vs.**

**MERCHANTS 5 STAR, INC., and  
STEVEN SPENCER and JOHN DOES  
1 through 5, and names being  
fictitious,**

**Defendants.**

**UNITED STATES DISCTIRCT COUNT FOR  
THE DISTRICT OF NEW JERSEY**

**CIVIL ACTION NO.**

**NOTICE OF REMOVAL**

To: Middlesex County Superior Court  
56 Paterson St.  
New Brunswick, NJ 08903-0964

David K. Chazen, Esq.  
**Chazen & Chazen, LLC**  
346 Grand Avenue  
Englewood, New Jersey 07631

**SIRS:**

**PLEASE TAKE NOTICE** that annexed hereto is a true copy of the Petition for Removal which was filed in this action in the United States District Court for the District of New Jersey pursuant to 28 U.S.C. Sections 1441 and 1446 on December 3, 2012.

**PLEASE TAKE FURTHER NOTICE**, that said filing, together with the filing and service of this Notice, has effected the removal of this action to the United States District Court for District of

New Jersey pursuant to 28 U.S.C. Section 1446, and no further proceedings with respect to this action can take place in this Court.

Attached hereto as **Exhibit A** is a true and correct copy of all pleadings and process filed in this action in the Superior Court of Middlesex County, New Brunswick, New Jersey, under docket number MID-L-7242-12. This Notice of Removal is being concurrently filed with the Superior Court of Middlesex County, New Brunswick, New Jersey. A copy of this application in its entirety is being forward to the law offices of Chazen & Chazen, LLC., 346 Grand Avenue, Englewood, New Jersey 07631.

**WHEREFORE**, defendants pray that this civil action be removed to this Court from the Superior Court of Middlesex, New Brunswick, New Jersey.

**COTTRELL SOLENSKY & SEMPLE, P.A.**  
Attorney for Defendants, Steven Spencer  
and Merchants 5 Star, Inc.,

/s/FLOYD G. COTTRELL (7820)

Dated: December 3, 2012

# **EXHIBIT "A"**

1 *CHAZEN & CHAZEN, LLC*  
2 *346 GRAND AVENUE, P.O. BOX 470*  
3 *ENGLEWOOD, NEW JERSEY 07631*  
4 *(201) 567-5500*

2012-01-22 A 9:15

5 *ATTORNEYS FOR PLAINTIFF*

6

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7 EDWARD A. PANKOWSKI : SUPERIOR COURT OF NEW JERSEY  
8 Plaintiff, : LAW DIVISION - MIDDLESEX COUNTY  
9 Vs. : DOCKET NO.: MID-L-  
10 MERCHANTS 5 STAR, INC. and STEVEN: CIVIL ACTION MID-L- 7242 12  
11 SPENCER and JOHN DOES 1 through 5, :  
12 said names being fictitious : COMPLAINT (AUTO/TRUCK)  
13 Defendants. : PLAINTIFF DEMANDS JURY TRIAL  
14 :  
15

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16 The Plaintiff, EDWARD A. PANKOWSKI, residing at 165 Strawberry Hill Avenue,  
17 Woodbridge, New Jersey 07095, by way of Complaint, says:

- 17 1. On or about May 15, 2012, at approximately 1:08 PM, the Plaintiff, EDWARD A.  
18 PANKOWSKI, was the seat belted operator of a private passenger vehicle traveling south on US  
19 Highway 1 in Woodbridge NJ and was stopped with other traffic for a red light located at the  
20 intersection of Gills Lane and US Highway 1.
- 21 2. At the same time and location, the Defendant MERCHANTS 5 STAR, INC. was the owner of  
22 a 2006 Volvo tractor trailer truck being operated by it's servant, agent or employee, the  
23 Defendant STEVEN SPENCER, who was in the course of his employment for the Defendant  
24 MERCHANTS 5 STAR, INC. , that was traveling southbound on US Highway 1 in Woodbridge,  
25 New Jersey and, suddenly and without warning, violently collided into the rear of Plaintiff's  
26 vehicle, causing it to violently collide into the vehicle stopped in front of Plaintiff's vehicle and  
27 causing a chain of violent collisions involving a total of six (6) vehicles.
- 28 3. The tractor trailer truck owned by the Defendant MERCHANTS 5 STAR, INC. and being

operated by the Defendant STEVEN SPENCER was operated negligently and failed to observe the Plaintiff's vehicle, maintain a safe distance, and stop, causing it to collide with the vehicle occupied by the Plaintiff with great force and violence.

4. The Defendants, JOHN DOES 1 through 5, said names being fictitious, is a person or persons who may have negligently contributed to the happening of this accident.

5. As a result of the negligence of the Defendants, the Plaintiff EDWARD A. PANKOWSKI was violently tossed about, sustained injuries causing temporary and permanent disability, disfigurement, and loss of bodily function and loss of body member in whole or in part, has incurred or in the future will incur expenses for the treatment of said injuries, has been disabled and in the future will be disabled and not able to perform his usual functions and has been caused and in the future will be caused great pain and suffering and has impaired his earning capacity and enjoyment of life.

**WHEREFORE**, the Plaintiff, EDWARD A. PANKOWSKI, demands judgment against the Defendants, MERCHANTS 5 STAR, INC., STEVEN SPENCER and JOHN DOES 1 through 5, said names being fictitious, jointly and severally, for damages, together with interest, costs of suit and for such further relief as the Court deems equitable and just.

**JURY DEMAND**

Please take notice that demand is hereby made for trial by jury on all issues so triable

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-04, David K. Chazen, Esq. is designated as Trial Counsel

CHAZEN & CHAZEN, LLC

Attorneys for Plaintiff

Dated: October 17, 2012

By

David K. Chazen

**CERTIFICATION - R. 4:5-1**

I hereby certify that the matter in controversy is not the subject of any other action pending in any Court or arbitration proceeding and no such other action or arbitration proceeding is contemplated.

I further certify that all known parties are named in this action, but I reserve the right to amend this pleading should any other persons become known to me.

I certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are false, I am subject to punishment.

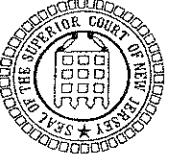
CHAZEN & CHAZEN, LLC

Attorneys for Plaintiff

Dated: October 17, 2012

By: David K. Chazen  
David K. Chazen

### Appendix XIII-B1

	<b>CIVIL CASE INFORMATION STATEMENT (CIS)</b>		<b>FOR USE BY CLERK'S OFFICE ONLY</b> PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO. AMOUNT: <i>100.00</i> OVERPAYMENT: BATCH NUMBER: <i>Bergen Middlesex (per Gloria Tabares)</i>
	Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed		
	ATTORNEY / PRO SE NAME DAVID K. CHAZEN	TELEPHONE NUMBER (201) 567-5500	
	FIRM NAME (if applicable) CHAZEN & CHAZEN, LLC	DOCKET NUMBER (when available) <i>MID-L-7242 12</i>	
OFFICE ADDRESS 346 GRAND AVENUE ENGLEWOOD, NEW JERSEY 07631	DOCUMENT TYPE COMPLAINT (AUTO/TRUCK)		
NAME OF PARTY (e.g., John Doe, Plaintiff) <b>EDWARD A. PANKOWSKI, PLAINTIFF</b>		CAPTION <b>EDWARD A. PANKOWSKI, PLAINTIFF VS. MERCHANTS 5 STAR, INC. and STEVEN SPENCER AND JOHN DOES 1 THROUGH 5, SAID NAMES BEING FICTITIOUS, DEFENDANTS</b>	
CASE TYPE NUMBER (See reverse side for listing) 603N	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> No	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <b>MAXUM SPECIALTY INSURANCE GROUP</b>		
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> No	IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, FOR WHAT LANGUAGE?	
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).			
ATTORNEY SIGNATURE: <i>David K. Chazen</i>			

COURT TELEPHONE NO. (732) 519-3728  
COURT HOURS

TRACK ASSIGNMENT NOTICE

DATE: OCTOBER 25, 2012  
RE: PANKOWSKI EDWARD MARCHANTS 5 STAR INC  
DOCKET: MID L-007242.12

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON HEIDI W. CURRIER

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002  
AT: (732) 519-3737 EXT 3737.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING. PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE WITH R.4:5A-2.

ATTENTION:

ATT: DAVID K. CHAZEN  
CHAZEN & CHAZEN  
346 GRAND AVE  
PO BOX 470  
ENGLEWOOD NJ 07631-4355

JUMUCC1

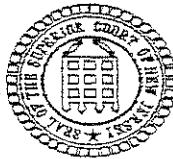
SUPERIOR COURT OF NEW JERSEY  
Middlesex County Courthouse  
P.O. Box 964  
New Brunswick, New Jersey 08903-0964

GREGORY EDWARDS  
Trial Court Administrator

CHERYL WILLIAMS  
Assistant Civil Division Manager

JOHN PUSHKO, ESQ.  
Civil Division Manager

IAN RATZLIFF  
Assistant Civil Division Manager



## ACMS IS NOW ON LINE!

The New Jersey Superior Court Civil Case Docket, including scheduling, document index, and attorney lists, are now available on line. This new application may save you much time in doing case inquiry in the Law, General Equity, and Special Civil Part.

Follow the following steps to access your case records;

1. Go to [www.njcourtsonline.com](http://www.njcourtsonline.com). On the first page, on the right-hand side;
2. Select "Civil Case Public Access;"
3. Disable your computer's pop-up blocker;
4. Type in the characters you see in the "Security" box and accept the conditions of use;
5. Select the criteria by which you need to search—by docket, case name, or use additional searches for archival records;
6. For a docket search, select the county, the docket type, the docket number, the year, then from the right-hand column under "View Details," select your search criteria;
7. Select the record you seek;
8. If the index is more than 1 page, select the Page Down Arrow from the top center of your screen; and
9. When you have reached end of your record, you can go back by clicking on the Return Arrow on the top left-hand side of your screen. You can use the icons next to zoom, print, or E-mail your record.